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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/066,780

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Philip Weisberg

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EXAMINER

BARTLEY, KENNETH

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

07/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/066,780	<b>Applicant(s)</b> WEISBERG, PHILIP	
	<b>Examiner</b> Kenneth L. Bartley	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of Applicant's amendment and response filed on May 15, 2007 is acknowledged.

#### ***Response to Amendment***

2. Claims 1, 7, 8, 15, and 16 have been amended. Claims 31-36 have been canceled. Claims 1-30 are pending in the application and are provided to be examined upon their merits.

#### ***Response to Arguments***

3. The Examiner thanks the Applicant for their response
4. The Examiner has rejected the amended claims on new grounds of rejection not necessitated by the amendments. Accordingly this action is made a non-final action.

#### ***Claim Objections***

5. Claims 23 and 25 are objected to because of the following informalities: the claims are system claims, therefore, it would be helpful to include the word system in the claims, such as "An electronic market calendar system comprising:". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 1, for example, cites "generate a set of future market-related events..." and "...generate a set of holidays..." Generate means to create, and it is impossible to create a set of events or holidays. For example, the specification states "...holiday date generator configured to generate a set of holiday dates based on the set of transaction terms..." ¶ [0015], where holiday dates are generated. Therefore the claims should be consistent with the specification.

9. Claim 8 also has this problem. Claims 2-7 and 9-22 are rejected because they depend from claims 1 and 8.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3693

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,347,307 to Sandhu et al., in view of U.S. Patent 6,064,975 to Moon et al..

**[Note that the analysis for the product claims (1-7) also applies to the respective system claims (23-27) and method claims (28-30).]**

Regarding claims 1-7 and 23-30:

1. (CURRENTLY AMENDED) A computer-readable storage medium encoded with a program executable by a computer for display of an electronic market calendar to a user, the program comprising:

a settlement date calculator configured to generate a set of standard settlement dates pertaining to a set of transaction terms;

**Sandhu et al. discloses:**

**“Calendar server 200 provides a graphic user interface and applications that enable users to automatically calendar key dates regarding settlement, payments, cash flows, and other details related to their financial derivative transactions and portfolios.” (col. 4, lines 43-47)**

an event-date generator configured to generate a set of future market-related events pertaining to the set of transaction terms;

**Sandhu et al. discloses:**

**“Reports server 180 provides a graphic user interface and applications that enable users to run and produce standard and customizable reports regarding their portfolios, including mark to market, upcoming events, and trade lists.” (col. 4, lines 36-40)**

a holiday date generator configured to generate a set of holidays pertaining to a territory associated with the set of transaction terms; and

**Sandhu et al. discloses:**

Art Unit: 3693

**Business holidays can be included in the calendars, for example...  
““Holiday Calendar”: the calendar to be used for reference to  
business holidays.” (col. 23, lines 11-12)**

a display controller configured to display on a display device a plurality of calendar dates including the set of standard settlement dates, the set of future market-related events and the set of holidays;

**Sandhu et al. discloses:**

**“The system includes a variety of servers, applications, and interfaces that enable users to interactively communicate and trade financial instruments among one another, and to manage their portfolios. Interactive communications supported by the system include: requesting price quotes, monitoring and reviewing quote requests, issuing price quotes, monitoring and reviewing price quotes, negotiation between Members and Providers, acceptance of price quotes, reporting, portfolio management, analysis of financial information and market data, calendaring, and communications among Members, Providers, and/or system administrators, including e-mail, chat, and message boards.” (col. 2, lines 15-28)**

wherein each one of the plurality of calendar dates that is a member of the set of standard settlement dates is displayed in a visibly distinct manner from each one of the plurality of calendar dates that is not a member of the set of standard settlement dates, each one of the plurality of calendar dates that corresponds to a member of the set of future market-related events is displayed in a visibly distinct manner from each one of the plurality of calendar dates that does not correspond to a member of the set of future market-related events, and

each one of the plurality of calendar dates that corresponds to a member of the set of holidays is displayed in a visibly distinct manner from each one of the plurality of calendar dates that does not correspond to a member of the set of holidays.

**While Sandhu et al., in the endeavor of foreign business, provides for calendar systems and business holidays, they do not specify displaying sets of related dates in a visibly distinct manner.**

**Moon et al., in the same field of endeavor of foreign business, teaches distinctly displaying related sets of data:**

**“It would therefore be desirable for a calendar software application to be developed, which may be operated on a portable intelligent communications device or a separate computer, that is able to identify the holidays for countries around the world and distinguish them from other days on such calendar.” (col. 1, lines 51-56)**

Art Unit: 3693

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a calendar that can distinctly display sets of dates, such as foreign holidays and settlement dates, motivated by Moon et al., and that such a display would simplify monitoring a system that allows for multiple foreign transactions with different settlement dates and different holidays and that this would improve productivity of traders involved in such activities.**

13. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0087447 A1 to McDonald et al., in view of U.S. Pub. No. 2001/0027438 A1 to Park.

Regarding claims 8-22:

8. (CURRENTLY AMENDED) A computer-readable storage medium encoded with a program executable by a computer for display of an electronic market calendar to a user, the program comprising:

a settlement date calculator configured to generate a set of standard settlement dates pertaining to a set of transaction terms;

**McDonald et al. disclose:**

**“Another characteristic of the event based investments of the present invention that makes them distinct from most other types of investments is that these investments have a well defined investment buy and sell dates and times. That is, not only is the time of the initial investment fixed, but the date and time that the investment is liquidated is also fixed.” ¶ [0007]. Therefore, the liquidation date would be the same as the settlement date.**

an event-date generator configured to generate a set of future market-related events pertaining to the set of transaction terms; and

**“Typically, the date of event will be known in advance and thus the investor will know the date on which the investment will be automatically liquidated. The investment sale date may be specified to be a specific amount of time after the news event in order to give the market time to react to the news event.” ¶ [0029]. This links a future event to a transaction.**

a display controller configured to display on a display device a plurality of calendar dates including the set of standard settlement dates and the set of future market-related events.

**The ability to display event dates where, “...the dynamically constructed web pages are then conveyed to one of the web servers 200 for viewing by a customer at a client computer;” ¶ [0108]**

**While McDonald et al., in the business of financial systems, discloses a liquidation date, they do not disclose calculating a settlement date.**

**Park, in the same field of endeavor of financial systems, discloses  
"...calculating settlement dates and settlement amounts based on  
the selling information on the selling prices, selling volumes, and  
selling dates read in through the step (1);" ¶ [0014]**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to calculate a settlement date, motivated by Park, and that such a capability would avoid problems that might be encountered with holidays and weekends, where use of such dates could be inappropriate.**

### ***Conclusion***

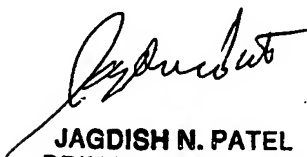
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JAGDISH N. PATEL**  
PRIMARY EXAMINER